

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
WILLIAM GRANT JR.,	)	
	)	
Complainant,	)	
	)	
and	)	CHARGE NO: 2003SH1321
	)	EEOC NO: 21BA22641
RONALD HOFFMAN,	)	ALS NO: 12120
PHYLLIS HOFFMAN, and All Unknown	)	
Owners of Real Property Located at 406	)	
North First Street, San Jose, Illinois 62682,	)	
	)	
Respondents.	)	

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RECOMMENDED ORDER AND DECISION

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A status conference was set for April 26, 2004 but the parties failed to appear. Neither Complainant nor Respondent has appeared for any scheduled status conference in this matter.

**Findings of Fact**

1. On October 29, 2002, Complainant filed a perfected Charge of Discrimination against Respondents with Illinois Department of Human Rights.
2. On March 26, 2003, the Department issued to Respondents a Notice of Default because they failed to respond to the Notice of Charge of Discrimination.
3. On July 14, 2003, the Department filed a Petition for Hearing to Determine Damages on Complainant's behalf alleging the Complainant was aggrieved by practices of housing discrimination, prohibited by sections 3-101(A) and (B) of the Illinois Human Rights Act.
4. On January 14, 2004, the Illinois Human Rights Commission issued an Order upholding the Department's Notice of Default and referred this case to the Administrative Law Section to determine Complainant's damages.

5. On February 23, 2004, an Order issued setting this case for both a status call on March 26, 2004 and a public hearing on April 27, 2004 in order to determine Complainant's damages. The Order directed both parties to contact the Commission and provide a telephone number where they each could be reached for the status call before the hearing.
6. The February 23, 2004 Order served on Complainant was returned marked undeliverable.
7. On March 26, 2004, neither party appeared for the scheduled status call. Thus, an Order issued requiring the Complainant to update his contact information with the Commission by April 26, 2004. The Order further warned Complainant that if he failed to do so this case would be dismissed for want of prosecution without further notice.
8. Complainant signed for and received the Order by certified mail on March 31, 2004.
9. Complainant has never contacted the Commission regarding this case.

### **Conclusions of Law**

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the Jurisdiction of the Illinois Human Rights Commission.
2. A complaint may be dismissed when a party fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case.

### **Determination**

The Complaint and underlying Charge of Discrimination should be dismissed with prejudice for Complainant's unreasonable delay and failure to prosecute this matter.

### **Discussion**

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her

case. **56 Ill. Admin. Code § 5300.750(e)**. Here, it is clear that Complainant has protracted the prosecution of his case. Two Orders were issued requiring some action on Complainant's part. One order was returned to the Commission undelivered and although Complainant received the second Order, he has never contacted the Commission to provide a current telephone number where he could be reached. Under these circumstances, it is apparent Complainant has no interest in pursuing his claim against Respondent and that a dismissal is now warranted.

**Recommendation**

Based on the findings of fact and conclusions of law, I recommend that the instant case and the underlying Charge be dismissed with prejudice due to Complainant's failure to prosecute his claim.

ILLINOIS HUMAN RIGHTS COMMISSION

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KELLI L. GIDCUMB  
Administrative Law Judge  
Administrative Law Section

ENTERED THIS 17TH DAY OF SEPTEMBER, 2004.